

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 6

March 12, 2007

SUBJECT: PUBLIC NOTIFICATION OF SEX OFFENDER INFORMATION -
REVISED, REGISTERED SEX OFFENDER ADVISORY, FORM
08.30.00 - REVISED, AND AUTHORIZATION TO RELEASE SEX
OFFENDER INFORMATION TO ADDITIONAL PERSONS, FORM
08.30.05 - REVISED.

PURPOSE: California Penal Code (PC) sections regarding law enforcement guidelines on the dissemination of sex offender information to the public have been amended, specifically, Assembly Bill (AB) 1323 amends PC Section 290.45(a). This Order updates Special Order No. 12, 2003, *Public Notification of Sex Offender Information*, identifies those changes, and revises certain procedures for the release of information regarding registered sex offenders. Additionally, this Order revises the Registered Sex Offender Advisory, Form 08.30.00, and the Authorization to Release Sex Offender Information to Additional Persons, Form 08.30.05.

PROCEDURE:

I. CATEGORIES OF SEX OFFENDERS - REVISED

A. Megan's Law Website. This source of public and law enforcement information, maintained by the California Department of Justice, now displays information on California sex offenders in four categories: Full Address, Zip Code Only, No Post and Excluded. The previous categories of High Risk, Serious and Other have been eliminated.

Note: The No Post category consists of registrant information that the Legislature determined not to post on the Megan's Law Internet Website. The Excluded category consists of registrants who have successfully applied for exclusion from the Megan's Law Website.

B. Megan's Law Internet Website/Public. The general public can view sex offender information on the Website www.meganslaw.ca.gov in two categories only; Full Address and Zip Code Only.

C. Megan's Law Internet Website/Law Enforcement. All four categories are visible to law enforcement on

the law enforcement version of the Megan's Law Website <http://167.10.34.34/>.

II. ADDITIONAL DISCLOSURES OF INFORMATION REGARDING REGISTERED SEX OFFENDERS

Applicable Penal Code Section. Pursuant to PC Section 290.45, certain information, in addition to the information on the Megan's Law Website, may be disclosed to the public by law enforcement. Law enforcement may disclose the information on **any** category of sex registrant based on the agency's assessment of the offender's risk to the community, by whatever means the entity deems appropriate, when necessary to ensure the public safety.

Note: The Section does not prohibit release of information on juvenile sex offenders. Care must be taken in following current procedures for release of information per Department policy, Department Manual Section 3/406.10, and the Welfare and Institutions Code (WIC).

III. PROCEDURE FOR THE RELEASE OF INFORMATION REGARDING SEX OFFENDERS.

The approval of the Area commanding officer shall be obtained before any information regarding any sex offender is released. This includes prior approval before distribution of any disclosure form, including the Registered Sex Offender Advisory Form and Authorization to Release Sex Offender Information to Additional Persons Form.

Note: In cases of exigent circumstances, (i.e., field encounters such as traffic stops) approval may be obtained from the Area/division watch commander. Prior to disclosing information, advice should be sought from the appropriate Area or Bureau Registration Enforcement and Compliance Team (REACT).

A. Release of Information Regarding Sex Offenders. The release of sex offender information shall be decided after personnel assigned to an Area or Bureau REACT Unit have conducted an investigation and reasonably determined that a notification is necessary to protect the public.

Note: The investigation should include examination of the current behavior of the offender as well as the severity of past crimes and the likelihood of the offender committing another crime. For example, disclosures could be considered in the following types of situations:

- * A convicted child molester is observed photographing children at a local park and asking them to accompany him back to his home; or,
- * A convicted rapist is reported as following female joggers.

Although past criminal convictions alone would not necessarily warrant a disclosure, special attention should be paid to repeat offenders and those categorized as Sexually Violent Predators (SVP), as defined in Section 6600 WIC.

Note: A Sexually Violent Predator is a person who individually has been civilly committed to a State Psychological Facility and categorized as a SVP. Sexually Violent Predators will be noted on the Violent Crime Information Network (VCIN).

- B. Method of Release.** The method(s) employed in the release of information must be reasonable, relating to both the threat posed by the sex offender and the likely proximity to potential victims. The disclosure may only be as broad as is necessary for the protection of the public. Offender information is documented on the Registered Sex Offender Advisory Form.

IV. REGISTERED SEX OFFENDER ADVISORY, FORM 08.30.00 - REVISED. The Registered Sex Offender Advisory Form is revised to reflect changes in the law.

- A. Use of Form.** This form is used to notify persons, entities, organizations or the general public of a sex offender living or working nearby. Circulation of the Advisory Form can be accomplished in the following ways:

- * Community meetings;
- * Personal delivery to individuals;
- * Door-to-door at residences or businesses;

- * Distribution at educational facilities, playgrounds, parks and churches;
- * Other law enforcement agencies; or,
- * Media (press releases).

Sex offender information may be placed on the Department Website; however, if the registrant's residence address is not disclosed on the **public** side of the Megan's Law Website, it may not be disclosed on the law enforcement Website. If an active warrant has been issued for the offender, the offender's home address may be disclosed, per PC Section 290.45(b).

B. Completion. The assigned REACT investigating officer shall complete the form.

C. Distribution. Distribution of the Registered Sex Offender Advisory Form, is as follows:

- 1 - Original, Area commanding officer.
- 1 - Copy, Geographic Detective Division commanding officer.
- 1 - Copy, Robbery Homicide Division, REACT Coordinator.
- 3 - TOTAL**

V. AUTHORIZATION TO RELEASE SEX OFFENDER INFORMATION TO ADDITIONAL PERSONS, FORM 08.30.05 - REVISED. The Authorization to Release Sex Offender Information to Additional Persons Form, is revised to reflect changes in the law.

A. Use of Form. This form is used to authorize persons and entities receiving information from law enforcement to disclose the information to additional persons. Law enforcement may determine the scope of dissemination.

Note: Only public or private educational institutions or their employees, day care facilities or their employees, or any child care custodian described in PC Section 11165.7, shall be immune from liability for good faith dissemination of law enforcement-authorized information.

B. Completion. The assigned REACT investigating officer shall complete the form. This form is not valid unless signed by the individual receiving the information.

When personnel assigned to an Area or Bureau REACT Unit believe that persons and entities receiving information on a sex offender need to disclose this information to additional persons, the REACT officer shall:

- * Complete the Registered Sex Offender Advisory Form;
- * Complete the Authorization to Release Sex Offender Information to Additional Persons Form; and,
- * Obtain approval from the concerned Area commanding officer.

Note: The Registered Sex Offender Form shall be completed prior to completing the Authorization to Release Sex Offender Information to Additional Persons Form. The Authorization to Release Sex Offender Information to Additional Persons Form is optional and may not apply in many disclosure cases.

C. Distribution. Distribution of the Authorization to Release Sex Offender Information to Additional Persons Form, is as follows:

- 1 - Original, Area commanding officer.
- 1 - Copy, Geographic Detective Division commanding officer.
- 1 - Copy, Robbery-Homicide Division, REACT Coordinator.
- 3 - TOTAL**

D. Record Retention. Records relating to dissemination of sex offender information to the public shall be maintained for a minimum of five years. This shall include all Investigative Reports (IR), Form 03.01.00, and the Follow-up Investigation Reports, Form 03.14.00. Records of the means and scope of the dissemination of information, as well as the Registered Sex Offender Advisory Form, and the Authorization to Release Sex Offender Information to Additional Persons Form, shall be retained by the concerned Area or Bureau REACT Unit.

VI. INVESTIGATING OFFICER'S RESPONSIBILITY. Certain investigative steps must be undertaken and background information regarding the offender's past offenses and current behavior shall be gathered prior to the release of information. Verification of all information regarding the sex offender must be completed before releasing any information.

The investigative steps that shall be completed prior to the release of information on any sex offender include:

- * Documentation on why the release is necessary to protect the public;
- * Document the scope of the disclosure and reasons for determining the area (i.e., ½ mile area of the offender's home address and areas frequented by the offender, parks, schools, community centers, etc.); and,
- * Verification of the documented information included on the Registered Sex Offender Advisory Form.

The information is to be documented on an IR, entitled "Sex Offender Registrant Incident".

This list is not meant to be exhaustive; other investigative steps may be incorporated in the IR or later on a Follow-up Investigation Report.

Public notifications are for the purpose of protecting the public, not a means of punishing the offender for past crimes. All public notifications must comply with this intent.

VII. IMMEDIATE RELEASE OF INFORMATION.

A. Officer's Responsibilities. When an officer, during a temporary field encounter such as a traffic stop, radio call, or while conducting an investigation in the field has reasonable suspicion (based on information which has come to his/her attention), that a person is at risk of becoming a victim of a sex offender, the officer may verbally release the information to a potential victim who is 18 years of age or older. If the potential victim is a minor, release of the information shall be to the minor's parent/guardian.

Situations wherein a disclosure of sex offender status might be warranted:

- * Officers conducting a traffic stop discover, through a wanted persons/National Crime Information Center (NCIC) check, that the driver is a registered sex offender, previously convicted of forcible rape. Officers determine that the offender's passenger is an adult female hitchhiker. Officers may make a disclosure to the passenger; or,
- * Officers respond to a disturbance call at a residence. The male at the location was ran for a wanted persons/NCIC check. The information returned and identified him as a registered sex offender convicted of child molestation. There are numerous neighborhood children at the residence, including the children of the offender's girlfriend. Officers could make a notification of the offender's sex registrant status to the parent/guardian(s) of the minor children.

Officers must specifically request a wanted persons/NCIC check in order to receive information on sex offender status. Officers must verify the verbal information via a wanted persons/NCIC check on an available Mobile Data Computer (MDC) per procedures described in Operations Order No. 13, "Requesting Want and Warrant Information Via the Radio", April 21, 2006. Sex offender status alone is not a reason for transporting the offender to the station.

Note: The officer/investigator making a notification shall thereafter complete an IR, entitled "Sex Offender Registrant Incident". The IR shall include the date, time, and location of the contact that the potential victim had with the offender. The name, address, and phone number of the reporting party (if applicable) should also be included. Document on the IR that, **"The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders"**.

- * Obtain a Division of Records (DR) number from Area records personnel and forward a copy of the IR to the appropriate Area and to Robbery-Homicide Division, REACT Coordinator.

VIII. **DISCLAIMERS.** Every disclosure, whether placed on the Department Website, verbally expressed in a field encounter, or documented on the Registered Sex Offender Advisory Form must state, **"The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders"**.

IX. **AREA COMMANDING OFFICER'S RESPONSIBILITIES.** When an Area commanding officer (C/O) becomes aware that sex offender information should be released to the public, the C/O shall:

- * Ensure that a REACT investigator conducts a follow-up investigation to determine whether or not the offender is a sex offender living, working, or frequenting locations within the Area boundaries;
- * Determine if there is cause for the public release of information regarding that person;
- * Ensure the investigating officer completes the Registered Sex Offender Advisory Form, if a public disclosure is initiated;
- * Ensure the investigating officer coordinates the release of information and the distribution of the Registered Sex Offender Advisory Form, with appropriate Department entities (i.e., chain of command, Media Relations, etc.) and the public; and,
- * Ensure that records regarding the release of sex offender information are tracked, readily retrievable, and kept on file for five years.

FORM AVAILABILITY. The revised Registered Sex Offender Advisory Form, and the revised Authorization to Release Sex Offender Information to Additional Persons Form, will be available on the Department's Local Area Network (LAN) System.

AMENDMENTS: This Order amends Sections 3/413.07, 5/08.30.0, and 5/8.30.5 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Robbery-Homicide Division, shall monitor compliance with this directive in accordance with Department Manual Section 0.80.30.

WILLIAM J. BRATTON
Chief of Police

Attachments

DISTRIBUTION "A"